IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 605 OF 2003
IN
SECOND APPEAL NO. 577 OF 2003

State of Maharashtra ... Applicant.
Versus.
Kishinchand Hukumatrao Lulla. ... Respondent.

Smt.Neeta Karnik for the Applicant.

Shri V.Z.Kankaria for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 3rd February, 2005.

P.C.:

1. Rule. The Respondent waives service. Taken up for hearing forthwith.

2. The Second Appeal is admitted for final hearing. The impugned decree is a money decree and therefore, it cannot be stayed unconditionally.

3. Hence the Civil Application is disposed of by the following order:

(i) There will be interim relief in terms of prayer clause (b) subject to the Applicant depositing the entire decretal amount in the trial Court within a period of six weeks from today. If the amount is not deposited within the stipulated period, the interim

stay granted will stand vacated forthwith without reference to the Court.

(ii) In case the amount is deposited by the Applicant/Appellant, the learned trial Judge will permit the Respondent to withdraw the said amount on furnishing security to his satisfaction.

(iii) There will be no order as to costs.

(iv) The parties and the lower Court to act on an authenticated copy of this order.

Judge.